UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,501	01/04/2002	Theodore F. Emerson	COMP:0221	6279

7590 09/07/2005

Intellectual Property Administration
Legal Department M/S 35
P.O. Box 272400
Ft. Collins, CO 80527-2400

EXAMINER
PATEL, DHAIRYA A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,501	EMERSON ET AL.	
	Examiner	Art Unit	
	Dhairya A. Patel	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed on 6/23/2005. Claims 1-17 were originally rejected. Claims 21-23 are added new claims.

2. Applicant's arguments have been fully considered and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2,4,8,9-14,17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krontz et al. U.S. Patent # 5,790,895 (hereinafter Krontz).

As per claim 1, Krontz teaches a remote server management controller (Fig. 1a, Fig 1b), comprising: an external communication interface (Fig. 1A element 149) adapted to receive data from a remote user (column 12 lines 17-36);

The reference teaches the modem (external communication interface) receives the incoming call and examines the first few characters from the incoming call (receiving data) from the remote user

-an input/output processor (IOP) adapted to: receive data from the external communication interface (column 10 lines 46-64); and

The reference teaches the input/output processor (IOP) receives data from the modem (external communication interface).

-transmit data corresponding to the data received from the external communication interface to an operating system (OS) of a managed server; and a virtual communication device (VCD) interface adapted to intercept data received from the OS, the VCD interface comprising a pre-defined standard communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-31), the data received from the OS being intended for a specific communication interface, and to redirect the data received from the OS to the remote user via the external communication interface instead of directing the data received from the OS to the specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36).

The reference teaches sending the resource data to the operating system of the server and the Virtual communication port of the device intercepts the data. The data is sent to the remote computer (remote user) via the modem (external communication port).

The reference also teaches the virtual communication device comprises pre-defined standard communication interface as COM1 through COM4 interface (column 10 lines 55-67)(column 11lines 1-9, lines 26-31).

As per claim 2, Krontz teaches the remote server management controller of claim 1, wherein the specific communication interface is a UART interface of the managed server (column 10 lines 44-64).

As per claim 4, Krontz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is

transmitted to the OS of the managed server via a UART interface. (Column 10 lines 47-64)

As per claim 8, Krontz teaches the remote server management controller of claim 1, wherein the external communication interface is an Ethernet interface. (column 9 lines 49-56) (column 10 lines 44-47) (Fig. 1a element 149)(Column 11 lines 52-59)

The reference teaches communication takes place using a modem, which also works, as an Ethernet interface.

As per claim 9, Krontz teaches a remote server management controller, comprising:

-an input/output processor (IOP) adapted to monitor interrupt data transmitted from a super I/O (SIO) to a southbridge (column 9 lines 25-34), to alter the interrupt data transmitted from the SIO based on input received from an external user via an external communication interface and to transmit the altered interrupt data to a managed server (column 9 lines 25-56) ; and

-a virtual communication device (VCD) that comprises a pre-defined standard communication interface (column 10 lines 55-67)(column 11lines 1-9, lines 26-31), the VCD being adapted to: intercept responsive data intended to be transmitted to the SIO in response to the altered interrupt data; and prevent the responsive data from reaching the SIO (column 10 lines 26-43).

The reference teaches the virtual communication port (VCD) to intercept the accesses (data) and prevents it from reaching the SIO.

The reference also teaches the virtual communication device comprises pre-defined standard communication interface as COM1 through COM4 interface (column 10 lines 55-67)(column 11lines 1-9, lines 26-31).

As per claim 10, Krontz teaches the remote server management controller of claim 9 wherein the VCD is further adapted to route the responsive data to the remote user via the external communication interface (column 10 lines 26-46).

As per claim 11, Krontz teaches the remote server management controller of claim 9 wherein the input received from the external user is adapted to emulate an interrupt generated by a device in the managed server (column 10 lines 24-46).

As per claim 12, Krontz teaches the remote server management controller of claim 9 wherein the external communication interface is an Ethernet interface (column 9 lines 49-56) (column 10 lines 44-47) (Fig. 1a element 149)(Column 11 lines 52-59)

The reference teaches communication takes place using a modem which also works as an Ethernet interface.

As per claim 13, Krontz teaches a method of remotely retrieving data from an operating system (OS), the method comprising the acts of:

-receiving a request for OS information from a remote user (column 12 lines 57-60);

-transmitting the request for OS information to the OS via a virtual communication device (VCD) comprising a pre-defined standard communication

interface; (column 10 lines 64-67)(column 11 lines 1-5, lines 26-31)(column 12 lines 48-62);

-receiving via the VCD interface data responsive to the act of transmitting the request to the OS, the data being intended for a specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36);

-redirecting the data received from the OS responsive to the act of transmitting the request to the OS to the remote user instead of to the specific communication interface (column 10 lines 55-67)(column 11 lines 1-9, lines 26-45)(column 12 lines 17-36).

As per claim 14, Krontz teaches the method of claim 13 wherein the specific communication interface is a UART interface (column 10 lines 44-64).

As per claim 17, Krontz teaches the method of claim 13 further comprising the act of enabling an Ethernet interface to receive the request for OS information (column 10 lines 44-64).

As per claim 18, Krontz teaches the method of claim 13 further comprising the act of initiating an out-of-band management communication session (column 11 lines 25-45)(column 10 lines 46-64).

As per claim 19, Krontz teaches the method of claim 13 further comprising the act of enabling a VCD to transmit the request for OS information to the OS (column 11 lines 35-51)(column 12 lines 57-60).

As per claim 20, Krontz teaches the method of claim 13 wherein the recited acts are performed in the recited order (column 10 lines 44-64)(column 11 lines 25-51)(column 12 lines 57-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3,5,15,21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krontz et al. U.S. Patent # 5,790,895 (hereinafter Krontz) in view of Britt JR. et al. U.S. Patent Publication # 2002/0032785 (hereinafter Britt).

As per claim 3, Krontz teaches the remote server management controller of claim 1, but fails to teach wherein the specific communication interface is a USB host controller of the managed server. Britt teaches the specific communication interface is a USB host controller of the manager server. (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with specific communication interface as USB host controller. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 5, Krontz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server but fails to teach via a USB interface. Britt

teaches using USB interface to transmit data to the server (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface to transmit data to the server. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 15, Krontz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a USB interface. Britt teaches the specific communication interface is a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller.

As per claim 21, Krontz teaches the remote server management controller of claim 1, but fails to teach wherein the pre-defined standard communication interface comprises a USB interface. Britt teaches standard communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

As per claim 22, Krontz teaches the remote server management controller of claim 9, but fails to teach wherein the pre-defined standard communication interface comprises a USB interface. Britt teaches standard communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

As per claim 23, Krontz teaches the method of claim 13, but fails to teach wherein the pre-defined standard communication interface comprises a USB interface. Britt teaches standard communication interface comprises a USB interface (Paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Britt's invention to come up with using USB interface. The motivation for doing so would have been because USB interface supports variety of peripheral devices using the USB host controller and also one does not have to reconfigure the USB interface when using from one operating system to another.

5. Claims 6,7,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krontz et al. U.S. Patent # 5,790,895 (hereinafter Krontz) in view of Ito et al. U.S. Patent # 6,671,343 (hereinafter Ito)

As per claim 6, Krontz teaches the remote server management controller of claim 1, but fails to teach the specific communication interface is a 1394 interface of the managed server. Ito teaches the specific communication interface is 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up specific communication interface as 1394 interface. The motivation for doing so would have been to because it provides faster data transmission compare to other communication interfaces.

As per claim 7, Krontz teaches the remote server management controller of claim 1, wherein data received from the user over the external communication interface is transmitted to the OS of the managed server but fails to teach via a 1394 interface. Ito teaches the transmitting data to the server using 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up with using 1394 interface to transmit data to the server. The motivation for doing so would have been because it provides faster data transmission compare to other communication interfaces.

As per claim 16, Krontz teaches the method of claim 13 but fails to teach wherein the specific communication interface is a 1394 interface. Ito teaches the specific communication interface is 1394 interface (column 3 lines 51-67)(column 4 lines 1-22). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement Krontz's invention in Ito's invention to come up specific

communication interface as 1394 interface. The motivation for doing so would have been to because it provides faster data transmission compare to other communication interfaces.

Remarks

As a remark applicant stated the following:

A). Applicant stated Krontz does not teach "pre-defined standard communication interface" in claims 1,9, 13. Examiner respectfully disagrees with the applicant in column 10 lines 65-67 and column 11 lines 1-11, lines 25-36 the reference teaches virtual communication device comprises COM1 through COM4 port interfaces. It also teaches the in a IBM compatible personal computer when the computer boots up the operating system queries the port for the availability of the port. There is no reconfiguration assigned with the standard communication interface.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Modem Sharing" by Krontz et al. U.S. Patent # 5,790,895

B). "Data clock generator, data clock generating method and storage medium thereof" by Ito et al. U.S. Patent # 6,671,343.

C). "System and method of linking user identification to subscriber identification module" by Britt JR. U.S. Patent publication # 2002/0032785.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER